

January 13, 2003

Exemption No. 7951
Regulatory Docket No. FAA-2001-9672

Mr. Robert A. Steenbock
Director of Operations
Hangar 10, Inc.
3100 South 10th Street
McAllen, TX 78503

Dear Mr. Steenbock:

By letter dated May 5, 2001, you petitioned the Federal Aviation Administration (FAA) on behalf of Hangar 10, Inc. (Hangar 10), for an exemption from § 119.3 of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit Hangar 10 to operate certain Convair-Liner 340 airplanes with a maximum payload greater than 7,500 pounds in all-cargo service under 14 CFR part 135 rather than under 14 CFR part 121.

The FAA issued a denial of exemption in circumstances similar in all material respects to those presented in your petition. In Denial of Exemption No. 7864 (copy enclosed), the FAA stated that if the petitioner wants to conduct all-cargo operations with airplanes that have a payload capacity greater than 7,500 pounds, it must do so as supplemental operations under part 121. The FAA noted that although nothing prevents the petitioner from doing this, the petitioner wants to pick and choose isolated sections of part 121 to comply with rather than complying with all of the applicable requirements of part 121. The FAA found that picking and choosing isolated sections from each part to comply with would not provide an equivalent level of safety.

The FAA also found that the petitioner did not show how it is unique from the general class of regulated entities so as to justify relief through an exemption rather than through the general rulemaking process. The FAA stated that other all-cargo operators may desire to operate airplanes with payload capacities greater than 7,500 pounds under part 135 and the petitioner has not articulated sufficient reasons that make it unique from other operators and has not articulated sufficient public interest reasons for an exemption.

AFS-01-425

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed denial of exemption. In addition, I have determined that the reasons stated by the FAA for denying the enclosed exemption also apply to the situation you present. Accordingly, I find that a grant of exemption would not be in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, the petition of Hangar 10, Inc., for an exemption from 14 CFR § 119.3 is hereby denied.

Please note that in an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at <http://dms.dot.gov>. This new docket system enables interested persons to submit requests to, view requests on, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

Sincerely,

/s/

James J. Ballough
Director, Flight Standards Service

Enclosure